

**Second Appeal No. 640 / 2006.**

**26/09/2014.**

Shri G.S. Ahluwalia, Advocate for the appellant.

Shri Ashish Shroti, Advocate for the respondent.

Heard on admission.

This second appeal under Section 100 of CPC has been filed against the judgment and decree dated 13.3.2006 passed in civil appeal no.69-A/04 by learned 1<sup>st</sup> Additional District Judge, Khurai, District – Sagar (MP) confirming the judgment and decree dated 21-7-2004 passed in Civil Suit No.101-A/97 by learned Civil Judge Class-II, Khurai, District – Sagar (MP), against the appellant / defendant for eviction from the suit premises.

Learned counsel for the appellant has pointed out that the respondent / plaintiff has failed to prove that the amount received from the appellant / defendant as rent has been utilized in religious purpose of the trust and therefore, both the courts below are not justified in passing the decree for eviction by holding that the plaintiff trust is exempted from the provisions of M.P. Accommodation Control Act under the provisions of Section 3 of the said Act.

The respondent / plaintiff has filed not only the documents regarding registration of the trust Ex.P/6 which shows renovation of the trust property including hospital as it is one of the aim of the trust for charitable purpose. The plaintiff has also produced audit report Ex.P/7C showing Rs.1,89,207.00, reserved for construction of hospital. The plaintiff was not required to produce any further particular of use of money as it has not been established that the rent received by the plaintiff is utilized for some other purposes. Both the courts below have given their concurrent finding by passing the decree for

eviction which is based on facts and appreciation of evidence. There is no substantial question of law involved in this appeal, therefore, the appeal is dismissed. However, considering the fact that the appellant / defendant (tenant) is in possession of the suit premises, two months time is granted to the appellant / defendant for vacating the suit premises subject to payment of rent for the said period.

Certified copy as per rules.

**(Anil Sharma)**  
**Judge**

Parouha/-